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OFFICE OF PETITIONS

In re Application of
Eric J. Horvitz et al
Application No. 09/596,365
Filed: June 17, 2000
Attorney Docket No. 1018.101US1

ON PETITION

This is a decision on the petition, filed October 4, 2004. The petition asserts timely response to an Office action and is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition is **GRANTED**.

On January 14, 2004, a final Office action was mailed, setting forth a 3-month shortened statutory reply period.

On April 14, 2004, Applicants filed a proposed amendment which, as indicated in the April 28, 2004 Advisory Action, did not place the application in condition for allowance and was not entered by the Examiner. The Advisory action also pointed out that the reply period would remain that set forth in the January 14, 2004 final Office action.

No further response was filed on or before April 14, 2004 and no extension of time under 37 CFR 1.136(a) was obtained. The application was held abandoned as of April 15, 2004.

The instant petition asserts that a response was submitted by facsimile on May 3, 2004. In support, the petition is accompanied by a copy of the purportedly transmitted paper: a request for continued examination (RCE) and an authorization to charge Deposit Account No. 50-1063 for the following fees: RCE, Extension of time fee; and Any other fees.

In view of the above, the RCE should have been considered timely filed on May 3, 2004, and the application should not have been held abandoned.

The holding of abandonment in this application is hereby withdrawn, and the September 2, 2004 Notice of Abandonment vacated. The petition is thus granted.

As authorized, the \$770 RCE fee and \$110 for a one month extension of time is being charged to

petitioner's Deposit Account No. 50-1063. The \$1,370 petition fee enclosed with the petition has been credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2154.

A handwritten signature in black ink that reads "Karen Creasy". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Karen Creasy

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy